REMARKS

This responds to the Office Action dated March 17, 2009.

Claim 1 is amended. Claims 1-10 and 57-66 remain pending in this application.

Interview Summary

Applicant thanks Examiners Michael Kahelin for extending the courtesy of a helpful telephonic interview on June 23, 2009 with Applicant's representative, Zhengnian Tang. The interview included discussion of the rejection of claim 1, particularly regarding the claim language "the pacing circuit is inactive" and "the pacing circuit is capable of producing pacing pulses" as states of the pacing circuit. The Examiner considers that being "inactive" and being "capable of producing pacing pulses" are not mutually exclusive but both existing during the "triggered mode" of Levine (U.S. Patent No. 6,477,417). It was agreed that an amendment to claim 1 to include language limiting the "inactive" and "capable of producing pacing pulses" to mutually exclusive modes appear to overcome Levine, though this needs to be confirmed by further examination. Thus, the amendment to claim 1 and the remarks below are particularly directed to establishing mutual exclusivity between the two states of the pacing circuit.

§ *103 Rejection of the Claims*

Claims 1-10 and 57-66 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Levine (U.S. Patent No. 6,477,417, hereinafter "Levine") in view of Branham et al. U.S. Patent No. 5,687,737, hereinafter "Branham") and Morgan (U.S. Patent No. 5,024,221, hereinafter "Morgan").

Claim 1

Claim 1 has been amended to more clearly describe the recited subject matter. Support for the amendment is found, for example, at page 6, lines 4-6 and page 10, lines 13-25 of the present application.

Applicant respectfully traverses the rejection and submits that Levine, Branham, and Morgan, individually or in combination with each other and reasoning given in the Office

Action, do not provide the claimed subject matter. For example, Applicant is unable to find in Levine, Branham, and Morgan, individually or in combination, among other things, a sensing circuit having a set of cutoff frequencies programmable to either a first set of values or a second set of values, wherein the set of cutoff frequencies is programmed to the first set of values while a pacing circuit is inactive and programmed to the second set of values while the pacing circuit is capable of producing pacing pulses, as recited in claim 1. Applicant is unable to find in the Office Action a reason that addresses this deficiency of the cited references.

The Office Action asserts, in paragraph 4, that under the "triggered mode" of Levine's device, "the pacing circuit is inactive between pulses ... in either the monitor mode ... or pacemaker ... mode, but is also still capable of delivering pulses in either mode". Regarding the sensing circuit, the Office Action asserts, under Response to Arguments, that "Levine's modified invention utilizes the first set of values ... *both* when the device is inactive ... *and* when the device is capable of producing pulses ..., and likewise utilizes the second set of values ... *both* when the device is inactive ... *and* when the device is capable of producing pulses" (emphasis in the Office Action). Thus, according to the Office Action, "Levine's modified invention" includes a pacing circuit that is "inactive" and "capable of delivering pulses" at the same time, and a sensing circuit that utilizes both the first set of values and the second values at the same time.

Claim 1 recites that the set of cutoff frequencies is programmed to the first set of values while the pacing circuit is inactive and programmed to the second set of values while the pacing circuit is capable of producing pacing pulses. Because the set of cutoff frequencies is programmable to either the first set of values or the second set of values, as recited in claim 1, the pacing circuit must be either inactive (corresponding to the first set of values) or capable of producing pacing pulses (corresponding to the second set of values). In other words, because the set of cutoff frequencies cannot be programmed to both the first set of values and the second set of values at the same time (due to the either-or limitation), the pacing circuit cannot be both "inactive" and "capable of delivering pulses" at the same time, as required by the language of claim 1. At least for this reason, Applicant believes that the claimed subject matter differs from "Levine's modified invention".

Applicant respectfully requests reconsideration and allowance of claim 1.

Claims 2-10 and 57-66

Applicant respectfully traverses the rejection. Claims 2-10 and 57-66 are dependent on claim 1, which is believed to be patentable for at least the reasons set forth above. Therefore, the discussion above for claim 1 is incorporated herein to support the patentability of 2-10 and 57-66.

Applicant respectfully requests reconsideration and allowance of claims 2-10 and 57-66.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 373-6965 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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Date July 16, 2009 By _____
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 16th day of July, 2009.

Kate Gannon _____
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